

FILED IN THE DISTRICT COURT  
ROGERS COUNTY OKLAHOMA

IN THE DISTRICT COURT OF ROGERS COUNTY  
STATE OF OKLAHOMA

APR 11 2019

CATHI EDWARDS, COURT CLERK

DEPUTY

Floyd McClelland,

Plaintiff,

vs.

claimed

Scott Stewart

Defendant.

)

)

)

)

)

)

CASE NO.: CJ-2019-1167

Jury Trial Demanded Attorneys lien

PETITION

**COMES NOW**, the Plaintiff, Floyd McClelland by and through his attorney, Jeffrey L. Edwards of Flynn of Flynn, Edwards and O'Neal, PLLC, and for his cause of action against Defendant states as follows:

1. The Plaintiff, Floyd McClelland, is a citizen and resident of Rogers County, Foyil, Oklahoma, and has been at all relevant times herein.
2. The Defendant, Scott Stewart, is believed to be a citizen and resident of Lonoke County, Austin, Arkansas.
3. The collision which gives rise to this Petition occurred on State Highway 66 in Claremore, Rogers County, Oklahoma, on or about May 12<sup>th</sup>, 2017.



4. That on or about May 12<sup>th</sup>, 2017 the Defendant, Scott Steward, was driving south on State Highway 66, in the inside lane of travel when, having missed his turn, he began to make a U-Turn so that he could enter the northbound lane of State Highway 66. Plaintiff, Floyd McClelland, was also traveling south on State Highway 66 in the inside lane. The Defendant did, suddenly and without signaling his intention to turn his vehicle from a direct course of travel down State Highway 66, begin to make a U-turn and is so doing causing the vehicle driven by the Plaintiff to collide with the trailer being pulled by the Defendant, such collision occurring in the Plaintiff's lane of travel.

5. At the aforesaid time and place, the Defendant, Scott Steward, owed the Plaintiff and others lawfully on the roads a duty to operate his motor vehicle safely and to exercise ordinary care so as to not negligently cause injury to those persons lawfully on the roadway to include the Plaintiff, Floyd McClelland.

6. In breach of a duty of care, the Defendant Scott Stewart, was guilty of one or more of the following negligent acts and/or omissions:

- a. Making an improper U-Turn,
- b. Failing to keep a proper lookout under the circumstances as they existed at the time,
- c. Failing to use proper turn signals,
- d. Failing to keep his vehicle under control,
- e. Failing to yield right of way to the Plaintiff,
- f. Negligent driving,
- g. Reckless driving,
- h. Failure to keep vehicle under control,

f. Generally failing to act as a reasonable careful and prudent person would act under the circumstances and failing to appreciate the great risk of harm his action would have upon the persons of the Plaintiff.

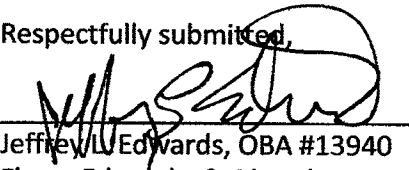
7. At the time of this incident, the Plaintiff was following all the rules of the road and driving in a careful and prudent manner and his actions did not contribute to the happening of this collision.

8. That the injuries and damages caused to Plaintiff, Floyd McClelland, were due to the recklessness and carelessness and negligence of the Defendant, Scott Stewart, which recklessness and negligence were the proximate cause of said damages and injuries.

9. As a direct result and proximate consequence of the negligent acts of the Defendant, Scott Stewart, the Plaintiff, Floyd McClelland, sustained damage to his vehicle and is entitled to recover the cost of such damage. Defendant also suffered serious injuries, both temporary and permanent to his person; has endured pain and suffering in the past and will certainly experience pain and suffering in the future; has undergone extensive medical care and treatment and will likely continue to undergo medical care and treatment in the future as a result of these injuries and will continue to suffer, great pain, anguish and physical and mental suffering; he has incurred large medical expenses in the past and will certainly continue to incur medical expenses in the future, Plaintiff, Floyd McClelland has sustained lost wages in the past and will continue to incur lost wages in the future, all to his detriment in the sum and amount in excess of the minimum amount required for federal court jurisdiction in diversity of citizenship cases.

**WHEREFORE, PREMISES CONSIDERED,** The Plaintiff, Floyd McClelland, prays for judgment against the Defendant, Scott Stewart, in the sum and amount in excess of the minimum amount required for federal court jurisdiction in diversity of citizenship cases as will fairly compensate the Plaintiff for his injuries, losses, and damages as herein above alleged, for cost; and for all other just and proper relief to which he may show themselves entitled.

Respectfully submitted,



Jeffrey L. Edwards, OBA #13940  
Flynn, Edwards, & O'Neal, PLLC  
P.O. Box 170  
Roland, OK 74954  
Phone (918) 323-4351  
Fax (918) 518-0504  
Attorney for the Plaintiff